

**45A.853 Prequalification of underwriters and bond counsels -- Request for proposals -- Response -- First meeting of selection committee -- Second meeting.**

- (1) (a) A firm shall not be considered for providing underwriting or bond counsel services unless the office has prequalified the firm prior to the date of issuance of the request for proposals.
- (b) A firm's prequalification shall remain in effect for twenty-four (24) months from the date of prequalification.
- (2) (a) The office shall consult with the bond issuing agency before arriving at a request for proposals. The request for proposals shall include, but not be limited to:
  1. The deadline for posing written questions about the request for proposals to the selection committee chairman elected pursuant to subsection (7)(b) of this section. This deadline shall occur before the deadline for filing a written response to a request for proposals;
  2. The deadline for filing a written response;
  3. A description of the services sought;
  4. A description of the skills required to perform the services;
  5. A description of evaluation factors and their relative weight; and
  6. In the case of a request for proposals from bond counsel firms, a requirement to submit proposed fees and expenses.
- (b) The office shall provide materials to the firms which have prequalified pursuant to subsection (1) of this section. The materials shall include, but not be limited to, the request for proposals and the evaluation sheet to be used by the relevant selection committee.
- (3) Prior to the deadline for posing questions established in the request for proposals, a firm may pose written questions about the request for proposals to the selection committee chairman. The chairman shall respond in writing. If, in the discretion of the chairman, an answer could have a material effect on other respondents' proposals, then both the question and the answer shall be distributed to all firms at the same time prior to the deadline for the filing of responses to the request for proposals.
- (4) A firm shall file a written response to the request for proposals prior to the deadline for filing a written response established in the request for proposals. A firm which fails to meet the deadline shall be barred from the procurement process.
- (5) The employees of the office and the members of the selection committee shall keep all responses to a request for proposals confidential until the contract to the winning firm has been awarded.
- (6) The executive director of the office shall designate an office employee to identify which firms prequalified pursuant to subsection (1) of this section and filed, in a timely fashion, a written response to a request for proposals. He shall create a list of firms which have done so and certify the list.

- (7) The office shall organize the selection committee's first meeting. At that meeting, each selection committee member shall sign a statement of confidentiality. Also, at that meeting, the selection committee shall:
- (a) Determine whether a majority of the voting members are merit employees of the Commonwealth. If a majority are not merit employees, the selection committee shall disband, and another selection committee shall be selected pursuant to KRS 45A.843. A majority of its voting members shall be merit employees of the Commonwealth;
  - (b) Elect from among the voting members of the committee a chairman and vice chairman who shall hold their positions for the duration of the selection committee's involvement in the bond issuance;
  - (c) Be provided with:
    - 1. The certified list created pursuant to subsection (6) of this section;
    - 2. If applicable, an out-of-state firm's preference handicap created pursuant to KRS 45A.873(1);
    - 3. The request for proposals;
    - 4. Forms for keeping a log of all contacts with firms which have responded to the request for proposals as well as contacts with persons acting on behalf of those firms. Each committee member shall keep a log which shall summarize the subject of any contact and state the date and place of the contact; and
    - 5. The selection evaluation sheets; and
  - (d) Discuss the future conduct of its affairs.
- (8) At the second meeting of a selection committee, the committee shall:
- (a) Be provided with the following:
    - 1. Written questions and answers produced pursuant to subsection (3) of this section; and
    - 2. The firms' responses to the request for proposals; and
  - (b) Discuss the future conduct of its affairs.

**Effective:** July 15, 1998

**History:** Amended 1998 Ky. Acts ch. 92, sec. 3, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 139, sec. 3, effective July 15, 1996. -- Created 1994 Ky. Acts ch. 409, sec. 5, effective July 15, 1994.